

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DEMARIOL DONTAYE BOYKIN,

Petitioner,

Case No. 2:13-cv-73

v.

HON. ROBERT HOLMES BELL

CATHERINE S. BAUMAN,

Respondent.

MEMORANDUM OPINION AND ORDER

On March 4, 2016, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation (“R&R”) (ECF No. 31) recommending that Petitioner Demariol Dontaye Boykin’s petition for writ of habeas corpus (ECF No. 1) be dismissed with prejudice. No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Under 28 U.S.C. § 2253(c)(2), the Court must determine whether a certificate of appealability should be granted. A certificate should issue if Petitioner has demonstrated a “substantial showing of a denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To satisfy this standard, the petitioner must show that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were

adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (internal quotation marks omitted). The Sixth Circuit Court of Appeals has disapproved the issuance of blanket denials of a certificate of appealability. *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001). Rather, the district court must “engage in a reasoned assessment of each claim” to determine whether a certificate is warranted. *Id.* at 467. Upon review, the Court finds that reasonable jurists could not find that a dismissal of each of Petitioner’s claims was debatable or wrong. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge’s March 4, 2016, R&R (ECF No. 31) is **APPROVED and ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Petitioner’s petition for writ of habeas corpus (ECF No. 1) is **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

A judgment will enter consistent with this opinion and order.

Dated: March 29, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE